

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: APPLICATION OF JOSEPH BENKEL, FOR AN
ORDER TO TAKE DISCOVERY PURSUANT TO 28
U.S.C. §1782

Applicant.

20 Misc. 248 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On July 2, 2020, applicant moved for discovery pursuant to 28 U.S.C. § 1782. Dkt. 1. On October 29, 2020, a number of third parties moved to intervene and for the denial of the discovery petition. Dkt. 22. Briefing as to the petition continued through November 2020. On November 20, 2020, petitioner requested argument. Dkt. 40. The Court now grants that request. Although the Court has not yet ruled on the motion to intervene, the Court instructs counsel for the proposed intervenor to attend the argument, so as to be available to respond to potential inquiries from the Court.

Argument is scheduled for April 26, 2021 at 3:30 p.m. Due to the current public health situation, that conference will be a telephonic conference. The parties should call into the Court's dedicated conference line at (888) 363-4749, and enter Access Code 468-4906, followed by the pound (#) key. **Counsel are directed to review the Court's Emergency Individual Rules and Practices in Light of COVID-19**, found at <https://nysd.uscourts.gov/hon-paul-engelmayer>, for the Court's procedures for telephonic conferences and for instructions for communicating with chambers. By noon on Thursday, April 22, 2021, counsel for the applicant, respondent, and intervenors are each directed to email chambers, with a list of counsel who will be appear at argument. Chambers email is: EngelmayerNYSDChambers@nysd.uscourts.gov.

The Court advises counsel that it is likely to grant the application, but in narrowed scope, and pursuant to a process that assures that attorney-client privileges of third parties are respected. The Court directs counsel to confer prior to argument with an eye towards reaching agreement as to the proper scope of a narrowed application and as to an efficient process for safeguarding privilege. More broadly, the Court encourages counsel to attempt to resolve the present § 1782 dispute collegially in advance of argument.

SO ORDERED.


PAUL A. ENGELMAYER
United States District Judge

Dated: April 14, 2021
New York, New York